

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Mitchell Yang,

Case No. 25-CV-00542 (JMB/DTS)

Plaintiff,

v.

ORDER

Minnesota Department of Corrections—
Stillwater, *Medical Department*; Minnesota
Department of Corrections—Commissioner
of Corrections; St. Paul Regions Hospital,

Defendants.

This matter is before the Court on the Report and Recommendation (R&R) of United States Magistrate David T. Schultz dated March 24, 2025. (Doc. No. 6.) The R&R recommends that the Court dismiss this action under 28 U.S.C. § 1915(e)(2) and Federal Rule of Civil Procedure 12(h)(3) because the Court either lacks subject-matter jurisdiction over the claims raised in Plaintiff Mitchell Yang’s Complaint or because Yang fails to state a viable claim for relief. (*See id.*) Yang has not objected to the R&R, and the time to do so has now passed. *See* D. Minn. L.R. 72.2(b)(1).

In the absence of timely objections, the Court reviews the R&R for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all the files, records, and proceedings in the above-captioned matter, IT IS HEREBY ORDERED THAT:

1. The R&R (Doc. No. 6) is ADOPTED.

2. The Court DISMISSES this action under 28 U.S.C. § 1915(e)(2) and Federal Rule of Civil Procedure 12(h)(3) WITHOUT PREJUDICE.
3. Plaintiff Mitchell Yang's Application to Proceed In Forma Pauperis (Doc. No. 2) is DENIED as moot.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: April 29, 2025

/s/ Jeffrey M. Bryan
Judge Jeffrey M. Bryan
United States District Court